

# Exhibit 5

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An Act for regulating the militia of the State and for repealing the several  
Laws heretofore made for that purpose.

Whereas the safety and defence of every free people ~~necessarily~~  
depend upon a well ordered Militia, and from experience it has been found, that the  
several Acts heretofore made and passed for that purpose, in this State, have been defective:

Be it therefore Enacted by the Representatives of the  
Freemen of the State of Georgia in General Assembly met and it is enacted by the  
authority of the same: That the several Counties in this State be laid out into  
three districts each constituting a Brigade: that the Counties of Chatham  
Effingham, Liberty, Glynn & Camden compose the first district; and the Counties  
of Burke, Richmond & Washington compose the second district, and the  
Counties of Wilkes, Greene and Franklin compose the third district: That  
the establishment of the several Companies, Corps, and Battalions as now made  
with respect to numbers and bounds, be continued, unless altered by a majority

majority of the field officers, and two or more Magistrates in each county, which they  
are hereby empowered to do. That all militia Commissions now of force be confirmed  
and where disputes of Rank shall take place the same shall be determined by  
priority of appointment; and that there be a Brigadier to command in each dis-  
trict. — That the Captains of Companies be empowered and required to assemble,  
train, and exercise them at the most convenient places within their respective  
bounds, at least four times in the year and not exceeding eight, first giving due  
notice of such muster, in the manner as shall be directed by the commanding officer  
of the Battalion; and that any male free inhabitant between the age of sixteen  
and fifty years who shall refuse or neglect to attend such Company musters shall  
be liable to a fine of two dollars; and the masters of apprentices and indentured ser-  
-vants shall be liable for their default. That each company have four Sergeants  
and their names of the Persons composing it shall be written on ballots, and when  
sergeants are wanting they shall be drawn, and the whole serve by rotation or be fined.

3). and when any person so drawn shall refuse or neglect to serve he shall be liable to a fine of ten dollars if he shall not within four days after notice of his appointment find a person liable to be drawn as a Substitute to serve in his room; and no person shall be obliged to serve longer than twelve months: and any private who shall attend such company muster without a gun, in good order, or shall misbehave, or disobey while under arms shall be liable to a fine of six dollars; and shall have powder and lead equal to six common cartridges, or be liable to a fine not exceeding one dollar.

That every company shall consist of not more than ~~seventy five~~ <sup>seventy five</sup> privates and non-commissioned officers, and a Captain and two Lieutenants to be elected by the former by ballot; and the Captain shall have power to appoint a Clerk; The commanding officer of each Battalion shall appoint an Adjutant to the same: all commissions which are or may become vacant by Death, Resignation or otherwise shall be filled up according to seniority and where a new Company shall be formed, or any of the Commissions in me. become vacant the same shall be filled

filled up by the election of the Company, and where a new Battalion shall be established the field officers shall be appointed in the first instance by the house of assembly: That the commanding officer of each Battalion be empowered and required to have general musters of the same at least twice in the year three more, and the fines for non attendance and default of arms and ammunition shall be double those imposed at Company musters, unavoidable impediments and reasonable excuses being always admissible: There shall be company Battalion, and general Courts martial; a Company Court martial shall consist of three commissioned officers; and any non-commissioned officer or private convicted of default, disobedience, or misbehaviour at a Company muster shall be sentenced to the fines imposed by this Act; and the Captain is authorized to issue a warrant directed to one of the sergeants to levy the same, and in case no goods or chattles can be found, to apprehend and confine such person for a term not exceeding one month at the discretion of the Captain in the sum shall be sooner paid; nor shall any such person be discharged

Untill the costs of arrest and confinement be paid; and when he shall have paid the same or make due return in ten days he shall be liable to be fined in double the amount for which the warrant issued; A battalion Court Martial shall consist of one field officer, two Captains and four subalterns and shall be competent to try the Captains and subalterns on any charge of misbehaviour; And a general Court martial shall consist of a general officer of the State, and six field officers of the district, and shall be competent to try any general or field officer on any charge of disobedience of orders, neglect of duty, or other misbehaviour, And such general or field officer shall be sentenced to pay a fine not exceeding ten pounds, or be suspended, or broke at the option of the Court: all fines shall be paid to the Major and appropriated to the use of the battalion in the purchase of artillery, drums, Colours, or other necessaries, as shall be judged best by a Majority of the field officers; and the amount and Appropriation shall be reported to the Brigadier general four times in the year, and by him to the executive once in the year. — The commanding officer of a battalion may consent to the voluntary enrolment of one or two companies of horse, artillery, or infantry in each without respect to boundaries, equally subject to the Militia Law, and the rules and order and regulations of the battalion in common with the other Companies, the officers of which, to be elected by themselves, shall receive commissions. When such enrolment shall amount to twenty five privates who shall be discharged from the boundary companies, upon a certificate from the captain of such

Volunteer enrolment, as long as he remains in the same, and no man shall leave such Volunteer Company without giving one months notice to the Captain and the captain of the company of the district in which he resides: And no person within the description aforesaid shall be exempt from Militia service either in the boundary or volunteer companies except the Members of the Legislature, the members of the executive council the Chief Justice, and Justices of the peace, ministers of the gospel, the attorney general, the secretary of state, Surveyor General and county Surveyors, Register of Probate, the secretary of the executive Council Clerk of the General Assembly Clerks and Sheriffs of counties, Officers of custom Practitioners of Physic, Gaolers, Wardens of workhouses, Schoolmasters, Students in the academies, Millers, Pilots, Seamen, Cripples & Servymen.

And for as much as every State is liable to be attacked or threatened  
 with invasion &c it also further enacted by the authority aforesaid  
 that it shall and may be lawful at all times for His Honor the Governor  
 - nor for the time being with the advice of the Executive Council to proclaim  
 the State to be in a law or danger of invasion and to embody any part  
 or the whole of the militia to repel any foreign hostility or to suppress  
 the insurrection of Slaves. And it shall also be lawful upon the apparent  
 probability of such hostility or insurrection to Order Brigade Reviews  
 if it shall be thought necessary for the better making the arrangements  
 of defense or attack upon which occasion no person within the description  
 aforesaid shall be exempted except the Members of the Executive Council  
 the Chief Justice, Ministers of the Gospel ordained, the Attorney General  
 the Secretary of State, the Surveyor General the Secretary of the executive  
 Council, Clerk of the General Assembly, the Clerks of Counties, Officers  
 of Custom, Gaolers, Wardens of Workhouses, Schoolmasters producing a  
 Certificate of his having the care of at least fifteen Scholars  
 - Clusters - Pilots, Scavengers, Cripplers, and publick scavenger. And when  
 the militia shall be so ordered out any Person who shall refuse or re-  
 gret to stand his draft shall be liable to a fine of Fifteen Pounds or  
 find a good and sufficient Substitute to be approved by the Captain  
 and

8.

and the whole immediately after being assembled at the Rendezvous shall  
 be subject to the same Rules and regulations as the federal Troops  
 now in the Service of the United States: provided that upon any  
 transgression or offence of a Militia Man whether Officer or private against  
 the rules and regulations aforesaid the cause shall be tried and deter-  
 mined by a Court Martial of the Militia of this State and that  
 it shall be in the power of the Governor or in case of his absence  
 of the commanding Officer of the Militia to mitigate suspend or par-  
 don any punishment to which any Militia man may be sentenced  
~~may be suspended~~ by a general Court Martial, And be it further  
 enacted by the authority aforesaid: That the commanding officer of  
 each battalion shall cause to be apprised by two decent freemen on  
 oath the Horse of each person serving as a light horseman; And also all  
 other Horses going into actual service, provided such apprisal does  
 not exceed ~~thirty~~ Twenty Pounds for any one horse immediately before every  
 time of going into actual service, and transmit the same to the  
~~Executive Council~~, and in case such Horse shall be killed or die in  
 actual service, or be taken by an Enemy otherwise than by neglect in  
 shall be paid the Value of such apprisal by an order to be drawn  
 by His Honor the Governor on the publick Treasury but that no person carry  
 any Horse onto the field but those entitled to do so agreeable to the

And be it also enacted that in case of invasion or imminent invasion  
commanding officer of any detachment, Regiment, Brigade, or division may from time to  
time and as often as he shall judge necessary when in actual service by warrant  
under his hand impress or cause to be impressed and taken, Arms ammunitions provi-  
sions Vessels Wagons Carts horses, and all other necessaries for the use and benefit of the  
Officers and Soldiers under his command first having the same appraised by two  
freeholders one to be chosen by the said Officer and the other by the person or persons  
to whom the property shall belong, and if the said person or persons be not present  
or if present shall refuse to nominate such appraisers then the said officer is  
hereby required to nominate both who on their oath which oath the said officer is  
hereby empowered and required to administer shall appraise the value of the  
said property justly and truly to the best of their knowledge and skill and certify  
the same under their hands to the said officer and owner if he requires it a dupli-  
cate of such certificate shall be transmitted as soon as may be by the said officer  
to his commanding officer and by him to the executive and of any or all of the  
property so taken or impressed should be of that kind which may be returned to the  
owner then and in that case the appraisers aforesaid shall in manner aforesaid  
also appraise the daily hire of the same and make such Appraisement a  
part of the aforesaid Certificate and that the Governor

Q

and

On Council may draw on the Treasury for the amount of all such certificates  
as aforesaid as shall appear to be just and reasonable, - Provided nevertheless  
that nothing herein contained shall extend to empower any Officer to  
impress supplies or other stores which may be absolutely necessary for the sup-  
port of the person and his family from whom impressment may be made and  
of which two freeholders on oath shall judge And be it also further  
Enacted by the authority aforesaid that when the Militia shall be called  
on duty that no officer shall be intitled to full pay only in proportion to the  
number of men they command and that the command of a brigadier general  
shall be on thousand men a Colonel five hundred a Lieutenant Colonel  
two hundred and fifty a major one hundred and fifty a Captain fifty and a  
Lieutenant twenty five and the daily pay of the officers and privates of  
the Militia while on actual duty shall be as follows. - The Major General  
twenty shillings to a Brigadier general fifteen shillings to a Colonel <sup>Upon daily eight hours</sup>  
~~fourty nine and a half shillings~~ <sup>Upon daily eight hours</sup> ~~forty nine and a half shillings~~ <sup>Upon daily eight hours</sup>  
and ~~forty nine and a half shillings~~ <sup>Upon daily eight hours</sup> ~~forty nine and a half shillings~~ <sup>Upon daily eight hours</sup>  
to a Major eight shillings to a Captain six shillings  
to each Subaltern four shillings Sergeants two shillings Drummers  
and fifes two shillings privates one shilling and six pence

Amend

that the general way appears

Colonel, and each deputy in the Staff  
pay and Rations as a Subaltern Officer; and the  
the Militia shall be as follows three quarters of a pound of salt beef  
or pork, or one pound and a half bo' fresh beef or one pound of fresh pork, one and  
a quarter pounds of flour or meal C. or one and a half pounds of Rice,  
One Gilt of spirits, and One gill of Salt to every five bush, each  
Officer shall be entitled to the following number of Rations, each  
Wabatton to One Nation and a half, a Captain to two Ra-  
tions, a Major to two and a half, a Lieutenant Colonel to -  
three Nations, a Colonel to three and a half, a Brigadier  
General to five Nations and a Major General or Officer com-  
manding ~~an army~~ not less than One thousand men  
to ten Nations. Provided never the less that no person  
whatever shall be entitled to pay for Rations not drawn  
and all former Militia shall be and the same anchorely

By order of the House.

Repealed.

15<sup>th</sup> August 1786.

John Adams Speaker